

FILED
DEC 20 2016
COMMISSION ON
JUDICIAL PERFORMANCE

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING
COMMISSIONER TAYLOR CULVER

No. 199

ORDER DISMISSING
PROCEEDINGS PURSUANT TO
STIPULATED DISPOSITION AND
VACATING HEARING

The Commission on Judicial Performance filed a Notice of Formal Proceedings (Notice) in the inquiry concerning Taylor Culver, Commissioner of the Alameda County Superior Court on October 17, 2016.

A hearing before special masters appointed by the Supreme Court is set to commence in San Francisco on January 23, 2017. On December 12, 2016, former Commissioner Culver, represented by Arthur J. Harris, Esq., and the examiner for the commission, Mark A. Lizarraga, (the parties) submitted a Stipulated Disposition of Pending Proceedings in the above-entitled-matter (Stipulation). Pursuant to the Stipulation, the parties request that the commission dismiss the matter based on former Commissioner Culver's agreement not to seek or hold judicial office, or accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time in the future. In the Stipulation, the former commissioner acknowledges that he resigned his position with the Alameda County Superior Court on November 30, 2016.

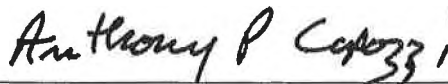
The terms and conditions of the Stipulation state that if former Commissioner Culver fails to comply with any of the terms and conditions of the agreement, or seeks or holds judicial office, or accepts a position or an assignment as a judicial officer,

subordinate judicial officer, or judge pro tem with any court in the State of California, or accepts a reference of work from any California state court, at any time in the future, the commission may seek to discipline the former commissioner and may re-institute formal proceedings regarding the matters charged in the Notice. Further, the agreement provides that the terms of the disposition may be made public upon the commission's acceptance of the Stipulation and included in any dispositional order issued by the commission.

By a vote of 9 to 0, the commission determined to accept the Stipulation upon the terms and conditions set forth in the Stipulation. Commission members Anthony P. Capozzi, Esq.; Hon. Ignazio J. Ruvolo; Ms. Sarah Kruer Jager; Ms. Pattyl A. Kasparian; Hon. Thomas M. Maddock; Dr. Michael A. Moodian; Nanci E. Nishimura, Esq.; Mr. Richard Simpson and Mr. Adam N. Torres voted to accept the parties' Stipulation. Commission members Ms. Mary Lou Aranguren and Hon. Erica R. Yew were recused.

Based on the terms and conditions of the Stipulation, the commission hereby dismisses Inquiry No. 199, and agrees not to pursue further the matters charged in the Notice, provided the former commissioner complies with the terms and conditions of the Stipulation. The hearing set for January 23, 2017, is hereby vacated.

Dated: December 20, 2016

A handwritten signature in black ink that reads "Anthony P. Capozzi". The signature is written in a cursive style with a horizontal line underneath it.

Anthony P. Capozzi
Chairperson

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BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

**INQUIRY CONCERNING
COMMISSIONER TAYLOR CULVER,**

No. 199

**STIPULATED DISPOSITION OF
PENDING FORMAL PROCEEDINGS**

Former Commissioner Taylor Culver, represented by Arthur J. Harris, Esq., and the examiner, Mark A. Lizarraga, ("the parties") submit this proposed disposition of Inquiry No. 199. The parties believe this agreement is in the best interests of the Commission on Judicial Performance ("commission") and former Commissioner Culver because it adequately protects the public and avoids the delay, cost, and uncertainty of further proceedings.

The parties request that the commission dismiss this matter based on former Commissioner Culver's agreement to not seek or hold judicial office, or accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time in the future. This proposed disposition is consistent with previous commission cases where proceedings were

closed when a subordinate judicial officer resigned with the agreement not to serve or seek to serve in a judicial capacity.¹

The parties stipulate and agree to the following terms and conditions:

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters at issue in Inquiry Concerning Commissioner Taylor Culver, No. 199.

2. Former Commissioner Culver acknowledges that he resigned his position as court commissioner with the Alameda County Superior Court on November 30, 2016, and now agrees to not seek or hold judicial office, accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time in the future.

3. The commission shall dismiss Inquiry No. 199 and shall not in the future seek to discipline former Commissioner Culver for the matters charged in the Notice of Formal Proceedings filed on October 17, 2016, provided the commissioner complies with the terms of this agreement.

4. The commission may disclose to the State Bar of California all or any part of the information obtained through the commission's preliminary investigation of former Commissioner Culver that resulted in the filing of the Notice of Formal Proceedings.

5. In the future, if former Commissioner Culver fails to comply with any of the terms and conditions of this agreement, or seeks or holds judicial office, or accepts a position or an assignment as a judicial officer, subordinate judicial officer or judge pro tem with any court in the State of California, or accepts a reference of work from any California state court, the commission may seek to

¹ See, e.g., Commission on Judicial Performance, 2012 Annual Report, p. 30; 2011 Annual Report, p. 28; 2010 Annual Report, p. 30; 2008 Annual Report, p. 30.

discipline the commissioner and may re-institute formal proceedings regarding the matters charged in the Notice of Formal Proceedings filed on October 17, 2016.

6. Former Commissioner Culver waives any further proceedings and review in this matter, including formal proceedings (Rules of Com. on Jud. Performance, rule 118, et seq.), and review by the Supreme Court (Cal. Rules of Court, rule 9.60; Cal. Const., art. VI, § 18.1).

7. The terms of the disposition of this matter may be made public upon the commission's acceptance of this stipulation and included in any dispositional order issued by the commission.

Dated: December 12, 2016

Taylor Culver
Commissioner Taylor Culver
Respondent

Dated: December 12, 2016

Arthur J. Harris
Attorney for Commissioner Taylor Culver

Dated: December 12, 2016

Mark A. Lizarraga
Mark A. Lizarraga
Examiner

Based on the foregoing stipulation and in accordance with the vote of the members of the commission, the commission hereby accepts the proposed stipulation of the parties.

Dated: December 20, 2016

Anthony P. Capozzi
Anthony P. Capozzi, Esq.
Chairperson